

IOWA DENTAL BOARD

OCTOBER 11-12, 2007 MEETING MINUTES DES MOINES, IOWA

The open session meeting of the Iowa Dental Board was called to order at 10:35 a.m. on Thursday, October 11, 2007, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the chairperson of the board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson
Gary D. Roth, D.D.S., Vice Chairperson
Debra L. Yossi, D.H., Secretary
Michael J. Rovner, D.D.S.
Eileen A. Cacioppo, R.D.H.
Elizabeth Brennan, Public Member
Suzan Stewart, Public Member

Also present: Constance L. Price, Executive Director
Christel Braness, Administrative Assistant
Phil T. McCollum, Investigator
Dee Ann Argo, Administrative Assistant
Theresa O'Connell Weeg, Assistant Attorney General
Jennifer Hart, Executive Officer

PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MINUTES

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the minutes of the July 10-11, 2007, meeting of the board; minutes of the reinstatement hearing in the matter of Larry J. Hanus, D.D.S.; July 26, 2007, teleconference board meeting minutes; and minutes of the Dental Hygiene Committee meeting, September 18, 2007, as written.

Vote: Unanimous.

Motion carried.

EXECUTIVE DIRECTOR REPORT

FISCAL YEAR 2008

Ms. Price reported that we are well into the fiscal year with the renewal program coming to a close. This was an historic renewal year as the dental hygienists were renewed with the dental

assistants, which increased significantly the number of renewals processed. A financial report for fiscal year 2008 was also provided to the members of the board.

DATABASE PROJECT

At the last meeting of the board, Ms. Price reported that the board has posted on the website a RFI, request for information regarding possible database solutions. The boards of medicine and nursing are joining the dental board in this venture. The Technology Governance Board has approved a concept paper and given the boards the green light to issue an RFP, which is a request for proposals to create a new licensing database.

CONTINUING EDUCATION

Ms. Price reported that there have been several requests from various organizations for the board staff to provide continuing education courses in the area of jurisprudence. A course was recently presented for the Iowa Dental Hygienists' Association. The board has received reports that the course was well received.

NEW BOARD MEMBER ORIENTATION

Ms. Price reported that the governor's office recently hosted a new board member orientation. A variety of information was made available to attendees.

ACCESS TO CARE

The governor's office has contacted the board office to report that it has received increasing numbers of complaints regarding access to care. Some members of the public are having difficulty finding dentists who will accept them as patients. This is a matter of some concern to the office of the governor and for the board.

As a follow up to the previous meeting, Ms. Price reported that Dr. Russell, from the Iowa Department of Public Health, has forwarded new Medicaid access information including a new format with I-Smile breakouts.

NERB PUBLIC ADVOCACY EDUCATIONAL CONFERENCE

Ms. Price reported that the public members of the board have been invited to attend a conference, which will address clinical examinations. The conference will focus on the mutual recognition of dental and dental hygiene clinical examinations utilized by individual states as a component of the licensure process. Ms. Brennan and Ms. Stewart have expressed interest in attending the meeting.

LAPTOP ENCRYPTION

Ms. Price reported that new state guidelines now require that all state-owned laptops have encryption software installed prior to December 31, 2007. Staff will work over the next few months to ensure the board's compliance with the new guideline.

LEGAL UPDATE

Ms. Weeg reported that the Attorney General's office recently hired new attorneys. Ms. Weeg reported that with the new hires she is hopeful that she will be free to devote more time to the legal issues of the Iowa Dental Board.

JUDICIAL REVIEW – ANDRE' BELL, D.D.S.

Ms. Weeg reported that Dr. Bell has filed a petition for judicial review of the board's decision in his case. Ms. Weeg believes that the matter will be scheduled sometime in November barring further continuances.

MEETINGS SUMMARIES

AADA

Ms. Price thanked the board for approving her travel to attend the AADA meetings in September 2007 in San Francisco, California.

Ms. Price reported that additional information was provided concerning the recent cheating scandals. The meetings discussed the realities of academia. There was a focus as to whether the numbers of incidents involving cheating had increased. Data suggest that cheating does appear to be on the rise. Eight schools have admitted to having known problems with cheating. There appears to be some connection with the ethics of cheating in school and ethics in practice. Ms. Price added that dentistry, however, is not the only profession having these problems. Board staff has revised the application forms to address some of these concerns.

Ms. Price also reported that there had been discussion about the American Association of Dental Examiners changing its name. Part of that effort involved the AADE becoming more of a resource to state boards. The measure was voted down at the AADE meeting. The reason for the suggested name change was that the organization addresses more than just testing. Also, most testing is now done by organizations other than state boards.

Points of interest from other states included a report that Minnesota will be the first state in the nation to have an advance dental hygiene practitioner program. There was also a report stating that the number of sedation deaths has increased. There have been deaths in nine states, some of which have been related to the use of oral sedation.

AADE

Dr. Roth also thanked the board for approving his travel to attend the AADE meetings in September 2007 in San Francisco, California. Dr. Roth reported that there were three main topics that were discussed at the AADE meetings: sexual misconduct, the updated ADA guidelines on sedation, and ethics/cheating issues.

Dr. Roth reported that technology allows for easier access to information for cheating. Technology has also expanded the scale of the cheating. Dr. Roth also reported that a number of schools already had policies in place to address cheating and other unethical behavior. Unfortunately, school administrators have not always been allowed to follow through with the

policies. In the end, state dental boards are left to protect the public. Dr. Roth encouraged the board to look at establishing guidelines for how to proceed in the event unethical conduct such as cheating of a student was reported to the board.

The AADE has put together model guidelines for use and reference by states that address issues surrounding sexual misconduct. Dr. Roth feels that these recommendations would be a good reference for those who may not understand what the boundaries are. Dr. Roth asked that this be placed on the next board agenda for discussion.

Dr. Roth reported that that ADA has voted to accept the proposed sedation guidelines. Dr. Roth reported that the Anesthesia Credentials Committee would meet prior to the next board meeting to review the updated guidelines. The committee will attempt to establish recommendations to the board for updating sedation guidelines and policies in Iowa.

COMMISSION ON DENTAL ACCREDITATION

Ms. Cacioppo reported that she attended the accreditation site visit for Iowa Western Community College in August 2007. Ms. Cacioppo reported that those involved with the site visit appreciated the board interest.

Ms. Cacioppo reported that she was unable to attend the accreditation site visit for Des Moines Area Community College as planned.

COMMITTEE REPORTS

CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)

DENTAL STEERING COMMITTEE REPORT

Dr. Kuempel reported that she attended the most recent meeting of the Dental Steering Committee. Dr. Kuempel reported that it was the objective of CRDTS to make available as much information about the examination as possible. CRDTS is looking into making a compact disc available as a way to share information.

There are concerns as to whether WREB is truly a comparable examination to CRDTS. For example, WREB does not have a prosthodontic portion to its clinical examination. Dr. Kuempel reported that some states are moving away from a set examination. Instead, some states are requiring applicants to complete clinical examinations in a selected skill set over a specific examination. Dr. Kuempel also reported that a number of states have stopped accepting the WREB examination for licensure by examination. This may potentially affect students at the University of Iowa College of Dentistry, which is offering the WREB examination this spring.

DENTAL EXAMINATION REVIEW COMMITTEE

Dr. Roth reported that ADEX has been set up so as to identify the insufficient candidate. The examination is almost a pass-fail examination in how the scores break down. Candidates either test extremely well or poorly. There does not seem to be much of a middle ground for scoring on the examination.

DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Cacioppo reported that CRDTS recently modified the dental hygiene examination to put a greater focus on periodontal treatment. Ms. Cacioppo also reported that a site dentist would be available should a need arise to have a dentist licensed in the state where the examination is being administered.

Ms. Cacioppo reported that the committee discussed the changes in regions within CRDTS.

Ms. Cacioppo reported that Nevada will offer the dental hygiene examination in the 2007-2008 school year. South Carolina will also administer the examination if there is sufficient interest.

ADEX EXAMINATION COMMITTEE

Dr. Roth has been appointed to serve as consultant to the ADEX Examination Committee.

ANESTHESIA CREDENTIALS COMMITTEE

Dr. Roth reported that the committee recommended approval of conscious sedation permits to three dentists: Gary Nelson, D.D.S.; Kimberly Pingel, D.D.S.; and Paula Weistroffer, D.D.S.

Motion by Dr. Roth, seconded Ms. Yossi, to accept the committee's recommendation to approve the issuance of conscious sedation permits to these applicants.

Vote: Unanimous.

Motion Carried.

Dr. Roth reported that the committee will meet to discuss the new ADA Anesthesia Guidelines.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Cacioppo referred the board members to a list regarding courses submitted to the committee for approval and the corresponding recommendations.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to accept the committee's recommendations for board approval of continuing education courses.

Vote: Unanimous.

Motion Carried.

Ms. Cacioppo brought to the attention of the board a course in Minnesota about providing care to those in long-term care facilities.

Ms. Cacioppo reported that of the dental hygienists who were selected for continuing education audit, all successfully completed the audit and one chose not to renew her license. Ms. Cacioppo reported that of the dental assistants who were selected for continuing education audit, all those

selected successfully completed the audit, one renewed on inactive status, and 5 were still listed on renewal pending status as of the date of the board meeting.

DENTAL HYGIENE COMMITTEE

Ms. Yossi reported that the Dental Hygiene Committee met at the University of Iowa College of Dentistry in Iowa City, Iowa, on September 18, 2007. At the meeting, the committee reelected the officers of the committee. The committee also discussed CRDTS and ERC reports. The committee also addressed some licensure applicants.

DENTAL ASSISTANT COMMITTEE

The board was provided a summary of the meeting held on August 28, 2007, at the board office in Des Moines, Iowa.

Dr. Roth reported that the committee had sent a letter to interested parties seeking input on expanded functions. The committee asked whether additional expanded function duties should be considered and what those functions should be. The committee reviewed and discussed the responses.

The board discussed dental assistants removing temporary cement and the need for that function specifically in an orthodontic practice. The board also discussed the placement of sealants by dental assistants. The board directed staff to research this and bring the material back to the committee.

In response to inquiries as to whether continuing education credit could be granted for successfully completing the DANB examination, Ms. Cacioppo stated that guidelines for dental assistants should match those currently in place for dentists and dental hygienists which currently grant credit if the examination is completed more than five years after graduation.

The board also discussed the committee's recommendation to discuss the level of supervision of dental assistant trainees. The board felt that it was important for a licensed dentist to provide personal supervision to a dental assistant trainee for all intraoral duties; however, with extraoral duties, it may be more appropriate to allow other licensed or registered personnel to provide supervision. The board discussed rules on this supervision requirement later in the meeting.

DENTAL RADIOGRAPHY OVERVIEW

Mr. Dave Myers and Mr. Dan McGhee from the Iowa Department of Public Health Radiological Health Bureau were present to address the board concerning radiography.

Mr. Myers reported that in the course of performing radiological inspections it has come to his attention that there are some issues in the area of film processing. Mr. Myers reported to the members some reasons for these concerns.

Mr. Dan McGhee reported that the Iowa Department of Public Health has assigned him to review the process of inspecting ionizing-producing machines. To protect the public, it is critical that

offices limit the effects of ionizing radiation. Mr. McGhee reported that the Radiological Health Bureau has information available about this issue and is happy to provide that information to offices who inquire. The Radiological Health Bureau is moving towards conducting performance-based inspections. The bureau is also trying to make its rules and regulations more understandable.

CONSIDERATION OF RULES

650 IOWA ADMINISTRATIVE CODE 30.4(14)

The board reviewed the Notice of Intended Action to amend subrule 30.4(14). The amendment specifies that failure to preserve the confidentiality of patient information may be grounds for discipline. The current rule applied only to a dental hygienist's use of patient recall lists while the proposed rule will apply to any licensee or registrant who fails to preserve confidential patient information. A public hearing was held on the Notice. One comment from the Iowa Dental Association was received in support of the amendment.

Motion by Ms. Cacioppo, seconded Ms. Stewart, to adopt and file the amendment as proposed.

Vote: Unanimous.

Motion Carried.

650 IOWA ADMINISTRATIVE CODE CHAPTER 20, DENTAL ASSISTANTS CHAPTER 22, DENTAL ASSISTANT RADIOGRAPHY QUALIFICATION

The board discussed a draft Notice of Intended Action related to dental assistant rules. The amendments authorize registered dental assistants to take dental radiographs under the general supervision of a dentist. General supervision means that a dentist has delegated the services to be provided by a dental assistant. The dentist need not be present in the facility while these services are being provided.

The amendments also clarify that a dental assistant must either be currently certified by the Dental Assisting National Board or must have two years of clinical dental assisting experience as a registered dental assistant to qualify for expanded function training.

Motion by Dr. Roth, seconded Dr. Rovner, to file the Notice of Intended Action as drafted.

Vote: Unanimous.

Motion Carried.

The board discussed the recommendation of the Dental Assistant Committee to change the definition of personal supervision of a dental assistant trainee. The board reviewed draft rules for discussion. The proposed definition requires a dentist to be physically present in the treatment room for all intraoral or chairside services of the dental assistant and another registrant to be physically present for all extraoral services of the dental assistant. The board discussed that

hygienists may also be present to provide supervision for extraoral duties. The board would like other licensees to be included in the proposed new definition.

Motion by Dr. Roth, seconded Ms. Stewart, to include the revised definition of personal supervision of a dental assistant in the Notice of Intended Action.

Vote: Unanimous.
Motion Carried.

The board members also discussed how much experience should be necessary for registration as a dental assistant. Board rules have always required a dental assistant trainee to have at least six months of experience in dental assisting before the assistant is eligible for registration. If the assistant is a graduate of an accredited community college program, the assistant does not need to also have six months of experience. Following the discussion, the board members felt that it was unnecessary to change the current rules.

Motion by Ms. Cacioppo, seconded Dr. Roth, to file a Notice of Intended Action for the suggestions discussed and approved previously.

Vote: Unanimous.
Motion Carried.

COSMETIC SERVICES/LASER TREATMENTS

In response to a letter to the board, the members of the board discussed the nature of certain cosmetic services and whether those services fell within the scope of practice of dentistry. Following the discussion, the board determined that the services referenced in the letter do not fall within the practice of dentistry.

Motion by Ms. Cacioppo, seconded Dr. Roth, to send a letter stating that these services are outside of the scope of the practice of dentistry.

Vote: Unanimous.
Motion Carried.

LEGISLATION – 2008 SESSION

IOWA CODE CHAPTER 147 REVISIONS

Ms. Price reported that all of the professional associations of the boards regulated by chapter 147 have been mailed copies of the proposed changes to Iowa Code chapter 147 for comment. The IDHA and IDAA had no comments or concerns. To date the board has not received comments from the IDA.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

APPROVAL OF APPLICATIONS

The board was provided with a list of the applications for licensure, permit, and registration that have been processed since the last meeting.

Between July 9, 2007, and October 10, 2007, the board licensed 16 dentists and 33 dental hygienists; the board issued 2 faculty permits, 8 resident dental licenses, 2 general anesthesia permits, and 39 local anesthesia permits. The board registered 106 dental assistants with the additional qualification in dental radiography and 16 registered without qualification; the board issued 6 qualifications in dental radiography without registration, and trainee status to 109 dental assistants. The board renewed nearly 6,000 dental assistant registrations and dental hygiene licenses.

Motion by Ms. Yossi, seconded Ms. Cacioppo, to approve issuance of licensure, permits, and registrations to those persons listed.

Vote: Unanimous
Motion Carried.

2008 MEETINGS

The board scheduled the meetings for the next year. The board meeting dates are scheduled as follows: January 10-11, 2008; April 22-23, 2008; July 16-17, 2008; October 28-29, 2008; and January 15-16, 2009.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

CLOSED SESSION

Motion by Ms. Brennan, seconded Dr. Roth, for the board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Ms. Cacioppo, aye; Ms. Yossi, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Rovner, aye; Ms. Stewart, aye; Ms. Brennan, aye.
Motion Carried.

OPEN SESSION

Motion by Ms. Yossi, seconded Ms. Stewart, for the board to return to open session.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
MARION J. BLOUNT, D.D.S.

The board considered a proposed combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

Motion by Mrs. Yossi, seconded Mrs. Cacioppo, to approve the combined Statement of Charges, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.
Motion carried.

DENTAL ASSISTANT COMMITTEE

The members of the board recognized that it failed to discuss the letter from Ms. Perkins addressing concerns in the dental assistant trainee manual. The board agreed with the committee and asked staff to state that the board appreciated the time the trainee took to submit the comments, but discussed that these revisions would not have affected any examination results. Most of the comments are organizational in nature and there are not any errors in the concepts. The Bureau of Radiological Health will review the comments pertaining to the radiology portion of the manual.

NEXT MEETING OF THE BOARD

The next meeting of the board is scheduled for January 10-11, 2008, in Des Moines, Iowa.

ADJOURNMENT

The board adjourned its open session meeting at 1:00 p.m. on October 11, 2007.

Respectfully submitted,

CONSTANCE L. PRICE
Executive Director